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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,722	11/01/2000	Shigeyuki Sudo	58799-029	9518

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McDermott, Will & Emery
600, 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

MOORE JR, MICHAEL J

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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08/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/702,722	Applicant(s) SUDO ET AL.	
	Examiner Michael J. Moore, Jr.	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-18 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 11-14 is/are allowed.
- 6) ☒ Claim(s) 8-10 is/are rejected.
- 7) ☒ Claim(s) 16-18 and 21-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 6/7/07 has been entered.

Claim Objections

2. Claims **16-18 and 21-23** are objected to because of the following informalities:

Regarding claim **16**, on line 11, the word "turns" should be "turning".

Regarding claim **21**, on line 4, the word "dispreading" should be "despreading".

Regarding claim **22**, on line 2, the phrase "and the receiver" is not needed. Also, on line 3, the word "performs" should be "perform".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims **8-10** are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the control processor 30 on page 10, lines 5-8 of

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the specification, does not reasonably provide enablement for the control means of claims **8-10**. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Specifically, claims **8-10** are believed to constitute "single means" claims that cover every conceivable means for achieving the stated purpose. Please see MPEP 2164.08(a).

Allowable Subject Matter

5. Claims **1-14, 16-18, and 21-23** are allowable over the prior art of record.
6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim **1**, *Proctor, Jr. et al. (U.S. 7,072,316)* teaches a CDMA system where pilot synchronization and mobile user registration with a base station occurs as shown in Figure 2 and spoken of on column 3, lines 22-64. *Proctor, Jr. et al.* as well as the other prior art of record fail to teach "retrying the registration when the result is unsuccessful after inhibiting switching to a good pilot signal that is being idly received; pausing transmitting and receiving operation of the mobile station for a predetermined time when the retried registration is unsuccessful; resuming registration processing when the predetermined time pause ends; and acquiring a new pilot signal when the registration processing is resumed".

Regarding claims **2-7**, these claims are further limiting to claim **1** and are thus also allowable over the prior art of record.

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Regarding claim **8**, *Proctor, Jr. et al. (U.S. 7,072,316)* teaches a CDMA system where a mobile station (control means) performs pilot synchronization and registration with a base station as shown in Figure 2 and spoken of on column 3, lines 22-64.

Proctor, Jr. et al. as well as the other prior art of record fail to teach "a control means acting to inhibit switching to a good pilot signal being idly received when the registration is judged unsuccessful, acting to retry the registration while the switching to the good pilot signal is inhibited, acting to pause transmitting and receiving operation of the mobile station for a predetermined time when the retried registration is unsuccessful, acting to resume registration when the predetermined time ends, and acting to perform a control operation to acquire a new pilot signal when the registration is resumed".

Regarding claims **9 and 10**, these claims are further limiting to claim **8** and are thus also allowable over the prior art of record.

Regarding claim **11**, *Proctor, Jr. et al. (U.S. 7,072,316)* teaches a CDMA system where pilot synchronization and mobile user registration with a base station occurs as shown in Figure 2 and spoken of on column 3, lines 22-64. *Proctor, Jr. et al.* as well as the other prior art of record fail to teach "retrying the registration when the result is unsuccessful after inhibiting switching to a good pilot signal that is being idly received; pausing a transmitting operation and a receiving operation of the mobile station for a predetermined time when the retried registration is unsuccessful; resuming the registration operation under predetermined conditions when the predetermined time ends; and acquiring a new pilot signal when the registration operation is resumed".

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Regarding claim **12**, *Proctor, Jr. et al. (U.S. 7,072,316)* teaches a CDMA system where a mobile station (receiver) performs pilot synchronization and registration with a base station as shown in Figure 2 and spoken of on column 3, lines 22-64. *Proctor, Jr. et al.* as well as the other prior art of record fail to teach a controller that "turns off the receiver and turns on an indicator to indicate that the mobile station is out of the coverage area even though the acquisition of the pilot signal is successful when the mobile station fails in registration to the sector or the base station after the registration operations are performed a predetermined number of times".

Regarding claims **13 and 14**, these claims are further limiting to claim **12** and are thus also allowable over the prior art of record.

Regarding claims **16-18 and 21-23**, these claims are allowable for reasons analogous to the reasons indicated for claim **12** above.

Response to Arguments

7. Applicant's arguments with respect to *amended* claims **12-14, 16-18, and 21-23** have been fully considered and are persuasive. The prior art rejections of these claims have been withdrawn.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Soliman (U.S. 6,785,249) is another reference considered pertinent to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571)

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272-3168. The examiner can normally be reached on Monday-Friday (7:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached at (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael J. Moore, Jr.
Examiner
Art Unit 2616

mjmMM


8/20/07
WING CHAN
SUPERVISORY PATENT EXAMINER